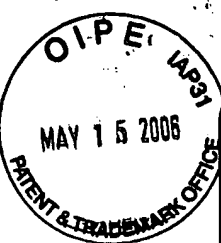


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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/808,664
		Filing Date	March 15, 2001
		First Named Inventor	Robert J. Spooner
		Art Unit	2663
		Examiner Name	Richard Chang
Total Number of Pages in This Submission	4	Attorney Docket Number	Spooner 1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p>Reply to Notice of Fee Deficiency Dated April 12, 2006 - 3 pages; Acknowledgement Post card</p>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Synnstedt Lechner & Woodbridge LLP		
Signature	<i>David Cargille</i>		
Printed name	David L. Cargille, Esq.		
Date	5/11/06	Reg. No.	46,600

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Signature	<i>David Cargille</i>		
Typed or printed name	David L. Cargille	Date	5/11/06

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Robert J. Spooner**

Application Number: **09/808,664**

Group Art Unit: **2663**

Filed: **March 15, 2001**

Examiner: **Chang, Richard**

For: **DATA COMMUNICATION LINK**

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any papers indicated as being enclosed, are being deposited as First Class Mail in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 1450-22313.

5/11/06

Date

David L. Cargille

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NOTICE OF FEE DEFICIENCY DATED APRIL 12, 2006

Dear Sir:

This reply is responsive to the Notice of Fee Deficiency dated April 12, 2006 in the above application. According to the Notice, the Information Disclosure Statement filed by Applicants on March 17, 2006 was not entered because no fee was remitted with the Information Disclosure Statement. The Notice set a time period of one month from the mailing date of the Notice (April 12, 2006) to remit the fee of \$180.00. As such, this reply (filed May 11, 2006) is timely.

Applicants submit that the Statement filed March 17, 2006 was filed under 37 C.F.R. 1.97(i) after payment of the issue fee but before the issuance of any patent, rather than under 37 C.F.R. 1.97(c) or (d), which require a fee. In contrast with sections (c) and (d), section (i) does not require payment of a fee. As such, Applicant's Statement filed March 17, 2006 must be entered in the file without imposing any fee obligation.

Under 37 C.F.R. 1.97(i), "if an information disclosure statement does not comply with either this section or § 1.98, it will be placed in the file but will not be considered by the Office." MPEP 609(B)(4)(a) clarifies that "[a]fter the issue fee has been paid on an application, it is impractical for the Office to attempt to consider newly submitted information. Information disclosure statements filed after payment of the issue fee in an application will not be considered but will merely be placed in the application file." Form paragraph 13.09 similarly states that: "Information Disclosure Statements filed after payment of the issue fee will not be considered, but will be placed in the file." Finally, MPEP 609(C)(1) states further that "[i]f an Information Disclosure Statement does not comply with the requirements based on the time of filing of IDS . . . , the IDS will be placed in the application file but none of the information will be considered by the examiner." As such, Applicants submit that the Information Disclosure Statement filed March 17, 2006 must be placed in the file in accordance with 37 C.F.R. 1.97(i) despite any alleged fee deficiency.

Notwithstanding the above, in the event that the Office maintains its position that a fee is required for the Information Disclosure Statement filed March 17, 2006, the Office is authorized to charge any required fees (e.g., a fee in the amount of \$180.00 for

the Information Disclosure Statement filed March 17, 2006) to customer deposit account no 23-3040.

Respectfully submitted,

5/11/06
Dated

David Cargille
David Cargille
Registration No. 46,600
SYNNESTVEDT LECHNER & WOODBRIDGE LLP
P.O. Box 592
Princeton, NJ 08540
Telephone: (609) 924-3773
Facsimile: (609) 924-1811

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